IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.1918 of 2008

1. SUMITA DEVI
2. Manoj Kumar Sah
3. Santosh Kumar Sah
4. Sitaram Sah

Versus

STATE OF BIHAR

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4 23.7.2008 Petitioners apprehend their arrest in Darbhanga Sadar P.S. case No. 142 of 2004 registered under Section 341,323 and 498A of the Indian Penal Code and pray for grant of anticipatory bail.

Mr. Rajendra Narayan, appearing on behalf of the petitioners submits that the petitioners had withdrawn their earlier application for grant of bail but before they could surrender in the case Police submitted charge-sheet against other accused persons but did not forward the petitioners for trial. He submits that later on the learned Magistrate differed with the conclusion of the Investigating Officer and had taken cognizance of the offence so far

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as these petitioners are concerned.

He also points out that the husband and wife had settled their dispute and in this connection my attention has been drawn to the statement of the victim lady recorded on 27.10.2005 by the Principal Judge, Family Court, Darbhanga.

By order dated 23.1.2008 I had directed for issuance of notice to Opposite party no.2.

Despite service of notice she has not chosen to appear.

Mr. U.S.P.Singh, Additional Public Prosecutor appears on behalf of the State.

Having heard learned Counsel for the party and taking into consideration the facts and circumstances of the case, I allow this application and direct that the petitioners above named, in the event of their arrest/surrender within

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four weeks, be released on bail on furnishing personal bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Darbhanga in Darbhanga Sadar P.S. case No. 142 of 2004, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Chandramauli Kr.Prasad,J.)

A.Kumar

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